IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 23791 of 2006(G)

PETITIONER:

H.ASIF, SON OF HABEEB MOHAMMED,
ASIF MANZIL, VENKULAM EDAVA, CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.V.GIRI

RESPONDENTS:

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1. **STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, TAXES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-1.**

2. **THE COMMISSIONER OF EXCISE, PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM.**

3. **THE ASST. COMMISSIONER, FORT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.23791/2006 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LICENSE ISSUED IN THE NAME OF HABEEB MOHAMMED RENEWED UPTO 31/03/1995.

EXT.P2: COPY OF THE RENEWAL APPLICATION DTD. 2/07/1996.

EXT.P3: COPY OF THE APPLICATION DTD. 26/03/1998.

EXT.P4: COPY OF THE APPLICATION DTD. 30/10/2001 SUBMITTED BY THE LEGAL HEIRS OF HABEEB MOHAMMED.

EXT.P5: COPY OF THE REPRESENTATION FILED BEFORE THE HON'BLE MINISTER DTD. 15/10/2003.

EXT.P6: COPY OF THE ORDER OF THE GOVERNMENT DTD. 17/06/2005 REJECTING THE REVISION FILED BY THE PETITIONER.

EXT.P7: COPY OF THE ORDER OF THE GOVERNMENT DTD. 17/06/2005 REJECTING THE REVISION FILED BY THE PETITIONER.

EXT.P8: COPY OF THE GOVERNMENT ORDER NO.G.O.(RT) NO.100(A)/2005/TD DTD. 25/02/2005.

EXT.P9: COPY OF THE GOVERNMENT ORDER NO.G.O.(RT) NO.318/2005/TD DTD. 26/05/2005.

EXT.P10: COPY OF THE GOVERNMENT ORDRE NO.G.O.(RT) NO.620/2005/TD DTD.4/10/2005.

EXT.P11: COPY OF THE REQUEST MADE BY THE PETITIONER DTD. 10/02/2006 BEFORE THE MINISTER.

EXT.P12: COPY OF THE ORDER OF THE GOVERNMENT DTD. 3/03/2006.

EXT.P13: COPY OF THE ORDER OF THE GOVERNMENT DTD. 3/03/2006.

EXT.P14: COPY OF THE JUDGMENT DTD. 22/03/2006 IN WP(C) NO.1136 OF 2006.

EXT.P15: COPY OF THE JUDGMENT DTD. 16/05/2006 IN WP(C) NO.11709 OF 2006.

EXT.P16: COPY OF THE ORDER OF THE GOVERNMENT DTD. 19/05/2006.

EXT.P17: COPY OF THE APPLICATION DTD. 23/06/2006.

EXT.P18: COPY OF THE ORDER OF THE GOVERNMENT DTD. 18/08/2006.

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

W.P. (C). NO. 23791 OF 2006

Dated this the 15th day of June, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayers.

> a) issue a writ in the nature of certiorari quashing Exhibit P18.
>
> b) issue a writ in the nature of mandamus commanding respondents 1 to 4 to reconsider the petitioners application Exhibit P2 to P4 as also Exhibit P11 and P17 in the light of Exhibit P14 judgment and grant a renewal of Exhibit P1 licence in accordance with law.

2. Learned Government Pleader submits that being a defunct, licence renewal cannot be granted. Learned counsel for the petitioner submits that the policy has undergone a change in January 2007 and the Government has accorded sanction for renewal of defunct licence also and licence of TSR 49 has been renewed.

Petitioner may file an appropriate representation before the Government, in which event, the matter will be considered afresh by the Government and appropriate orders, in accordance

with law, adverting to the contentions taken by the petitioner will be passed within another two months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp